

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 - - -  
4 MARVIN ALBERTO VIVAS-MORALES, )  
5 Plaintiff, )  
6 vs. ) Civil Action  
7 UNITED STATES OF AMERICA, ) No. 03-312 (Erie)  
8 Defendant. )  
9 - - -

10 STATEMENT OF COUNSEL

11 Friday, April 8, 2005  
12 - - -

13 The Statement of Counsel, taken before me, the  
14 undersigned, Melissa L. Fenster, a Notary Public in and for  
15 the Commonwealth of Pennsylvania, at the offices of the  
16 United States Attorney's Office, 700 Grant Street, Suite 400,  
Pittsburgh, Pennsylvania, 15219, commencing at  
9:33 o'clock a.m., the day and date above set forth.

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18 COMPUTER-AIDED TRANSCRIPTION BY  
19 MORSE, GANTVERG & HODGE, INC.  
20 PITTSBURGH, PENNSYLVANIA  
21 412-281-0189  
22 - - -  
23  
24  
25

**ORIGINAL**



1 APPEARANCES:

2 On behalf of the Plaintiff:

3 (No appearance.)

4 On behalf of the Defendant:

5 Rebecca Haywood, Esquire  
6 Assistant United States Attorneys  
7 United States Attorney's Office  
700 Grant Street, Suite 400  
Pittsburgh, Pennsylvania 15219

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P-R-O-C-E-E-D-I-N-G-S

MS. HAYWOOD: On March 23 2005, Magistrate Judge Susan Paradise Baxter entered an order granting the government's motion to compel enforcement of the Notice of Deposition of Plaintiff, Marvin Alberto Vivas-Morales. The order required Plaintiff to appear for his deposition today, Friday, April 8, 2005 at 9:30. Plaintiff has failed to appear once again for his deposition as ordered by the Court.

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(Thereupon, at 9:35 o'clock p.m., the Statement of Counsel was concluded.)

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CERTIFICATE

COMMONWEALTH OF PENNSYLVANIA, )  
 ) Civil Action No. 03-312 (Erie)  
COUNTY OF ALLEGHENY. )

I, Melissa L. Fenster, do hereby certify that the foregoing Statement of Counsel was by me reduced to stenotypy, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this Statement of Counsel was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Pittsburgh, Pennsylvania, on this 20<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
Melissa L. Fenster  
Notary Public

- - -

## LAWYER'S NOTES

[illegible]

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